

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Ismail Dickerson,)	C.A. No. 1:10-1625-TLW-SVH
)	
Plaintiff,)	
)	
-versus-)	ORDER
)	
City of Charleston Police Department;)	
Officer Sgt. L. Reed; Officer B.)	
Wanamaker; Officer Galluccio; Officer)	
Riccio; Officer Ambrose; K9-SPO,)	
Officer Pitchford; K9-SPO, Officer)	
O'Dell; K9-SPO, Officer D.C.)	
Washington; Officer T.J. Dalinsky;)	
CPD Detective Osborne; CPD)	
Detective/Investigator Kosarko;)	
Honorable Magistrate Judge Mary)	
Brown Holmes; and Charleston County)	
Magistrate Court Administration,)	
)	
Defendants.)	
)	

The Plaintiff has brought this *pro se* action against the Defendants under Title 42, United States Code, Section 1983. This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge Hodges recommends that Defendants Holmes and Charleston County Magistrate Court Administration’s Motion to Dismiss (Doc. # 26) and Defendants’ Motion to Stay (Doc. # 57) be granted. (Doc. # 115). The Report further recommends that the parties’ cross motions for summary judgment (Docs. # 74 & # 78) and Plaintiff’s motion to substitute a party (Doc. # 105) be denied without prejudice as premature at this time. Finally, the

Report notes that if the district judge accepts these recommendations, all other motions will be rendered moot. The Plaintiff has filed objections to the Report. (Docs. # 117 & # 119).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 115); Plaintiff's objections are **OVERRULED** (Docs. # 117 & # 119); Defendants Holmes and Charleston County Magistrate Court Administration's Motion to Dismiss (Doc. # 26) and Defendants' Motion to Stay (Doc. # 57) are **GRANTED**. Additionally, the parties' cross motions for summary judgment (Docs. # 74 & # 78) and Plaintiff's motion to substitute a party (Doc. # 105) are **DENIED** without prejudice as premature at this time. As noted in the Report, this ruling renders all other pending motions **MOOT**.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

September 2, 2011

Florence, South Carolina